

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
MATTHEW HIGHTOWER,) CRIMINAL NO.:
) 1:23-cr-00186-SAG-1
Defendant.)
_____)

Baltimore, Maryland
June 21, 2024

TRANSCRIPT OF PROCEEDINGS
ATTORNEY INQUIRY AND FARETTA HEARING
BEFORE THE HONORABLE MAGISTRATE JUDGE ADAM B. ABELSON

For the Government:

KIM Y. HAGAN, Esquire
AARON ZELINSKY, Esquire
Office of the United States Attorney
36 South Charles Street, 4th Floor
Baltimore, MD 21201

For the Defendant:

TERESA WHALEN, Esquire
Law Office of Teresa Whalen
801 Wayne Avenue, Suite 400
Silver Spring, MD 20910

DANIEL H. GOLDMAN, Esquire
The Law Office of Daniel Goldman PLLC
421 King Street, Suite 505
Alexandria, VA 22314

Proceedings Recorded by Audio Recording
Transcript Produced By Computer-Aided Transcription

P R O C E E D I N G S

(10:16 a.m.)

THE COURT: Good morning, everyone.

ALL COUNSEL: Good morning.

THE COURT: Ms. Hagan, you may call the case.

MS. HAGAN: Good morning, Your Honor. Kim Hagan and Aaron Zelinsky on behalf of the United States calling United States versus Matthew Hightower. This is 23-0186. We're here for an attorney inquiry hearing.

THE COURT: All right, thank you.

MS. WHALEN: Good morning, Your Honor. Teresa Whalen. I'm here on behalf of Mr. Hightower.

MR. GOLDMAN: Daniel Goldman on behalf of Mr. Hightower who is present.

THE COURT: All right. Good morning to all of you. Good morning, Mr. Hightower. You may all be seated.

THE DEFENDANT: Good morning.

THE COURT: All right. I know we're here for an attorney inquiry hearing, and there's been a request by Mr. Hightower that has given rise to this hearing. My thought is to proceed first with a traditional attorney inquiry hearing outside the presence of the Government, but stay close because we may then have another portion of the hearing. Before we go into the sealed proceeding -- and I'll make the findings to proceed under seal for that portion -- is there anything that

1 the Government wishes to put on the record?

2 MS. HAGAN: Your Honor, I would just note that I
3 believe this is our third attorney inquiry hearing for
4 Mr. Hightower. We currently have a motions hearing scheduled
5 on September 27th, 2024. Up until now, we have had ongoing,
6 productive discovery process, in addition to the materials that
7 we have provided to defense counsel since this indictment.

8 We have also been providing rolling, ongoing, early *Jencks*
9 material review. We've had approximately seven meetings at the
10 U.S. Attorney's Office since February in which we have allowed
11 counsel for Mr. Hightower to come and review voluminous grand
12 jury materials that span the course of this investigation,
13 three to four years' worth of grand jury materials. So from
14 the Government's perspective, the discovery process has been
15 thorough with defense counsel.

16 THE COURT: Okay. Well, to the extent that
17 Mr. Hightower's request will require me to inquire into
18 communications of counsel that are protected by the
19 attorney-client privilege, I find that that portion of the
20 proceeding should be conducted under seal. Although there is
21 generally a public interest in court proceedings, sensitive and
22 confidential matters that are protected by the attorney-client
23 privilege justify closing that portion of this proceeding to
24 the public and that there's a compelling judicial interest in
25 ensuring that a defendant's Sixth Amendment rights with respect

1 to the attorney-client privilege are protected.

2 So I'll ask that Government counsel step out and we'll
3 seal the proceeding, and we'll let you know when we're ready to
4 proceed further.

5 MS. HAGAN: Thank you.

6 **(Sealed proceeding on the record, outside the presence of**
7 **Government counsel.)**

8 **(The following was held in open court:)**

9 THE COURT: I'll note for the record that Ms. Hagan
10 has returned. Are we waiting for Mr. Zelinsky or not?

11 MS. HAGAN: No, Your Honor. He had another matter.

12 THE COURT: Okay.

13 MS. HAGAN: Thank you.

14 THE COURT: Ms. Hagan, Mr. Hightower has requested to
15 proceed pro se in this case, to proceed to represent himself.
16 I've conducted an attorney inquiry hearing, and Mr. Hightower
17 does wish to proceed to maintain that request so we're now
18 beginning what we call the *Faretta* portion of this hearing.

19 Mr. Hightower, the purpose of this portion of the
20 proceeding is to confirm on the record whether you choose to
21 proceed in this case with the representation of court-appointed
22 counsel or to represent yourself. That includes any motions
23 hearings, any trial if there is one. Do you understand what
24 I've said so far?

25 THE DEFENDANT: Yes.

1 THE COURT: Are you able to read, write and
2 understand English?

3 THE DEFENDANT: Yes.

4 THE COURT: Are you under the influence of any
5 medication, drug, or alcohol or other substance that may
6 interfere with your ability to understand what is said and what
7 happens in court today?

8 THE DEFENDANT: No.

9 THE COURT: Ms. Whalen, are you aware of any reason
10 that Mr. Hightower would be unable to understand these
11 proceedings today?

12 MS. WHALEN: No, Your Honor.

13 THE COURT: Mr. Hightower, I'll advise you, as I'm
14 sure you've heard before, that the Sixth Amendment of the
15 United States Constitution gives you a right to the assistance
16 of counsel in the defense of your criminal case pending against
17 you, but you also have a right to proceed defending yourself.
18 The exercise of one of those rights, the right to be
19 represented by counsel on one hand, and on the other hand, your
20 right to represent yourself, a choice between those necessarily
21 means a waiver, a giving up of the other right. It means
22 electing to proceed with your right to counsel. It means that
23 you're waiving the right to represent yourself and the other
24 way around as well. Electing to invoke your right to represent
25 yourself means that you're waiving or giving up your right to

1 assistance of counsel which is a right that you are entitled to
2 under the Sixth Amendment.

3 If there's any doubt or ambivalence or equivocation or
4 lack of certainty about which of those two rights that you seek
5 to exercise, the right to counsel would take priority over the
6 right to self-representation, and the Court would be obligated
7 to protect your right to counsel and not allow you to represent
8 yourself. In other words, if you choose to exercise your right
9 to have an attorney represent you in this case, you're
10 necessarily, as I said, giving up your right to represent
11 yourself.

12 Do you understand all of that?

13 THE DEFENDANT: Yes.

14 THE COURT: If you would prefer to represent
15 yourself, on the other hand, in order to be permitted to do
16 that, you must state expressly on the record that you are
17 waiving, that you are giving up your right to counsel. Do you
18 understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: Now if you choose to represent yourself
21 in your own defense, I'll need to ask you certain questions and
22 consider your answers in order to satisfy myself that you are
23 waiving your right to counsel voluntarily, knowingly and
24 intelligently. That series of questions and your answers is
25 called a *Faretta* colloquy, *Faretta* inquiry. That is named

1 after a United States Supreme Court case from 1975 called
2 *Faretta vs. California*.

3 Have you had time to consider whether you'd like to
4 exercise your right to counsel or to represent yourself in this
5 case?

6 THE DEFENDANT: Yes.

7 THE COURT: All right. Let me advise you of the
8 following. Listen very carefully to all of these and make any
9 notes -- make note of any questions or any comments that you
10 have. Do you have a pen there to note any questions that you
11 might have?

12 All right. You've got a pen and paper there if you have
13 any questions?

14 THE DEFENDANT: Yes.

15 THE COURT: The choice of whether to exercise your
16 right to counsel or to waive that right and represent yourself
17 is completely your choice. But you must remain aware of the
18 fact that the Government has attorneys representing it in its
19 prosecution of you. So it would be a wise choice for you to
20 exercise your right to counsel and have an attorney
21 representing your interests in your defense just as the
22 Government has one or more attorneys representing it in this
23 case.

24 The choice to represent yourself carries with it
25 significant risks, hazards and disadvantages that I believe you

1 are already aware of, but I will reiterate to make very clear
2 that you are aware of.

3 Mr. Hightower, as I understand it, you're not trained in
4 the practice of law, correct?

5 THE DEFENDANT: Correct.

6 THE COURT: That means someone in your position --
7 this is not a statement of your intelligence or anything like
8 that. It's just a statement as to the training and experience
9 that you in this case don't have. That means you may not have
10 a full grasp, awareness or understanding of a complex body of
11 laws and rules that apply in this case, including the Federal
12 Rules of Criminal Procedure and the Federal Rules of Evidence.

13 Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: You may have rights and options under
16 various laws and rules that you might not be aware of and may
17 be a benefit to you in your defense of your case.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 THE COURT: You may also be subject to certain
21 restrictions and limitations in your defense of the case that
22 you might not fully appreciate, not having that experience and
23 training which may come as a surprise to you in the course of a
24 motions hearing in this case or a trial or any other
25 proceedings. That may -- that surprise, that lack of knowledge

1 may disrupt your plans and preparations you might make in terms
2 of your defense, plans for what you are envisioning might
3 happen at further proceedings.

4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: If you decide to waive your right to
7 counsel and represent yourself, as you know, the Federal Rules
8 of Criminal Procedure and the Federal Rules of Evidence and
9 rules of court, including local rules of this court and
10 standing orders with regard to discovery, will not be bent,
11 amended, stretched or set aside in any way simply to
12 accommodate the fact that you choose to represent yourself as
13 someone untrained in the law.

14 Do you understand that?

15 THE DEFENDANT: Yes.

16 THE COURT: A felony criminal trial is a complex
17 matter and it's a significant undertaking for everyone
18 involved, including lawyers with decades of experience. If you
19 had someone trained and experienced in the practice of law
20 representing you in this case, they would have an understanding
21 of all of the applicable laws and rules, your rights and
22 options under those laws and rules and the benefits they hold
23 for you, and the restrictions and limitations that those laws
24 and rules impose upon you in your defense. This information
25 would then inform every strategic decision that would need to

1 be made in your case and that could be of benefit to you or a
2 detriment to you in the event of your proceeding without
3 counsel in those efforts to defend yourself in the case.

4 A lawyer would be equipped to plan and prepare for a
5 hearing or trial and all proceedings in this case in all those
6 ways that you are not equipped, not having that training. Do
7 you understand that?

8 THE DEFENDANT: Yes.

9 THE COURT: A trained and experienced criminal
10 defense lawyer like Ms. Whalen and Mr. Goldman would also be
11 familiar with the statutes, laws passed by Congress defining
12 the crimes that you're charged with which would inform their
13 strategies, tactics, arguments, approach in all aspects of this
14 case, including motions practice, motions hearing, trial,
15 sentencing, all proceedings.

16 Do you understand all that?

17 THE DEFENDANT: Yes.

18 THE COURT: An attorney's familiarity with all those
19 laws and rules and expectations would also inform whether and
20 how particular jury instructions would be argued for or against
21 and may affect which instructions are given to the jury. Jury
22 instructions tell the jury how they must go about deciding your
23 guilt or innocence, and those instructions will be, must be
24 based on the law. Training and experience in the law therefore
25 is a great advantage, which goes without saying, in deciding

1 whether and how to argue the jury instructions, which
2 instructions to request, which instructions not to request,
3 which instructions to request amendments to. All of those
4 issues may benefit you.

5 As to all of those issues, representation by counsel would
6 benefit you in arguing those issues with regard to jury
7 instructions. And not having that experience in all of these
8 issues -- areas, including jury instructions, may very well and
9 probably will disadvantage you.

10 Do you understand all that as well?

11 THE DEFENDANT: Yes.

12 THE COURT: An attorney's familiarity with the
13 applicable laws also would inform whether and how they would
14 preserve issues for potential appeal and make a record with an
15 eye toward appealing any such issues to the court of appeals.
16 Preserving issues meaning whether to make arguments so that you
17 may then make -- in the trial court so that you may then in the
18 future make arguments to the Court of Appeals in the event you
19 are convicted and you appeal.

20 So having counsel would also then be in a position during
21 all of the proceedings in this court to making determinations
22 with an eye to issues that could potentially lead to arguments
23 for overturning a conviction or ordering a new trial if you're
24 convicted.

25 Training and experience in the law is a great advantage in

1 preserving legal issues for appeal and making a record in
2 support of your position for an appellate court to review and
3 consider in the event you're convicted, in the event there is
4 an appeal.

5 Do you understand all that as well?

6 THE DEFENDANT: Yes.

7 THE COURT: A trained and experienced criminal
8 defense lawyer also would devise strategies informed by their
9 experience and grasp of the law and implement those strategies
10 when selecting the jury and seeking to question potential
11 jurors, when making opening statements and cross-examining
12 Government witnesses, when lodging objections to evidence the
13 Government seeks to present at trial, when presenting any
14 defense case, when making closing arguments, when requesting
15 particular jury instructions and objecting to other jury
16 instructions.

17 Do you understand all that as well?

18 THE DEFENDANT: Yes.

19 THE COURT: And you understand all of the rules with
20 regard to opening statements, direct examination,
21 cross-examination, defense case, closing arguments, jury
22 instructions, all the rules that apply when you have counsel
23 will apply without counsel; do you understand that as well?

24 THE DEFENDANT: Yes.

25 THE COURT: If you choose to represent yourself, your

1 efforts in jury selection, opening statements,
2 cross-examination, making objections, presenting a defense
3 case, closing arguments and arguing for or against particular
4 jury instructions would not, if you represent yourself, be
5 informed by a strategy supported by legal experience and
6 training. That could and likely would be a serious
7 disadvantage in your choice to represent yourself.

8 So overall the choice to represent yourself may render
9 your defense less effective than it would be and carry very
10 serious risks of a guilty verdict in this case. Do you
11 understand?

12 THE DEFENDANT: Yes.

13 THE COURT: Mr. Hightower, you must understand that
14 if you choose to represent yourself at a motions hearing --
15 file motions, at a motions hearing, at trial, at sentencing,
16 with regard to any aspect of this case, you'll take on complex
17 responsibilities. If you want to make an opening statement and
18 closing argument to be made on your behalf to the jury at
19 trial, you'll be the one solely responsible for delivering the
20 opening statement and closing argument to the jury. You will
21 have to participate in the jury selection and decide whether to
22 move to strike potential jurors at the appropriate time,
23 constrained by all the rules that apply to jury selection.

24 If you want to present certain evidence, you will be
25 responsible for presenting it and doing it in a lawful manner

1 and in accordance with all of the applicable rules of evidence
2 and procedure, in other words, evidence that you want to offer
3 at trial or questions that you wish to raise. There would be
4 no questions or evidence that you could offer or raise that
5 your counsel wouldn't themselves be able to offer or raise.

6 If you want to cross-examine Government witnesses, you
7 will have to be the one to cross-examine them, and there are
8 restrictions that can be applied in cases where an individual
9 wishes to make cross-examination of witnesses.

10 For example, in some cases, the courts may require that
11 certain questions be made in writing, for example. Not in
12 ordinary course but in particular circumstances. And that is
13 also permissible under the laws. Those are lines of
14 questioning that if you had counsel, your counsel could make
15 directly and orally. But by proceeding pro se, you may find
16 yourself in a position of having to make lines of questioning
17 in writing as opposed to through traditional cross-examination.

18 Do you understand that?

19 THE DEFENDANT: Yes.

20 You'll not be permitted to make statements, ask questions,
21 or present evidence that run afoul of the Court's rulings or
22 the rules of evidence and procedure. Do you understand?

23 THE DEFENDANT: Yes.

24 THE COURT: Do you understand that the trial judge
25 presiding in your case, Judge Gallagher, cannot give you legal

1 advice or assist you in how to conduct your defense? Do you
2 understand that as well?

3 THE DEFENDANT: Yes.

4 THE COURT: As I've now explained multiple times but
5 it bears repeating, choosing to exercise your right to counsel
6 comes with serious disadvantages to your defense in this case
7 because an attorney would have significant experience in
8 training in the laws and rules of evidence and procedure that
9 would govern how your motions hearing and at trial and other
10 proceedings would be conducted and help determine the outcome
11 of these proceedings.

12 So for all these reasons I've given, it is generally
13 advisable, a good idea, far better idea, to exercise one's
14 right to counsel, especially in such a serious case as this
15 one, given the potential punishments that you face which we'll
16 go over in a moment. And I'll be asking Ms. Hagan to go
17 through what the charges are and what the maximum penalties are
18 that those charges carry.

19 In this case, if you intend to waive your right to
20 counsel, to give up your right to counsel and proceed pro se, I
21 would caution, as I now have multiple times, and urge you to
22 reconsider.

23 But if, on the other hand, you -- and if you choose to
24 continue to exercise your right to counsel, your lawyer -- this
25 is important for you to understand as well -- would have a

1 substantial decision-making role to play in your case. While
2 you're in full control when you're represented by counsel of
3 the fundamental decisions about your case such as whether to
4 plead guilty, whether to testify on your own behalf, your
5 attorney might be the ultimate decision-maker as to matters
6 such as trial strategy and tactics, what evidence to introduce,
7 what facts to stipulate to, what objections to raise and when,
8 what pretrial motions to file, what to argue in support of
9 those motions. To the extent practicable, your decisions may
10 be made in consultation with decisions by your counsel, may be
11 made in consultation with you, but certain decisions reside
12 with your attorney if you choose to continue to invoke your
13 right to counsel as opposed to representing yourself.

14 Do you understand all that as well?

15 THE DEFENDANT: Yes.

16 THE COURT: And of course as to date, if you continue
17 with counsel, your counsel would be acting as your attorney as
18 an officer of the court, and your attorney would be bound by
19 rules of professional conduct and ethical rules that place
20 restrictions on what can be done in your defense and what
21 cannot be done. If you ask your attorney to do something that
22 he or she regards as unethical, illegal or in violation of
23 rules of professional conduct, your attorney may refuse to do
24 it.

25 Do you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Finally, while you have a right to
3 counsel, you do not have a right to counsel of your choosing.
4 You know this as well, as we've gone through the prior attorney
5 inquiry hearing and others as well. You may retain, hire, pay
6 for counsel of your choice when using your own resources to
7 hire counsel, or the Court may, as it has, appoint a qualified
8 attorney to represent you. You understand all that as well,
9 correct?

10 THE DEFENDANT: Yes.

11 THE COURT: All right. Ms. Hagan, first of all, I
12 understand that a motions deadline has been set of July 27; is
13 that correct?

14 MS. HAGAN: I believe that is correct, Your Honor.

15 THE COURT: And a motions hearing has been set for --

16 MS. HAGAN: September.

17 THE COURT: July 27 -- I'm sorry, September 27 --

18 MS. HAGAN: September 27th.

19 THE COURT: Yes?

20 MS. HAGAN: Yes, September 27th.

21 MS. WHALEN: Judge, I think the motions deadline is
22 the 19th of July.

23 THE COURT: 19th. I admit I wrote that down
24 incorrectly. So the deadline for motions in this case is
25 July 19, and there is a hearing set for September 27, a hearing

1 before Judge Gallagher on those motions.

2 MS. HAGAN: Yes.

3 THE COURT: Would you like a moment, Ms. Whalen or
4 Mr. Hightower?

5 THE DEFENDANT: No.

6 THE COURT: Okay. All right, so Ms. Hagan, can you
7 go through which counts are in the case -- I understand there
8 are all of them -- but what those charges are and the maximum
9 penalties that they carry?

10 MS. HAGAN: Yes, Your Honor. Mr. Hightower is
11 charged with five different counts. Count 1 of the indictment
12 charges him with conspiracy to murder a witness through witness
13 retaliation. The maximum penalty is life and/or death.
14 However, the Government is not seeking the death penalty in
15 this matter.

16 Count 2 is witness retaliation, murder. Again, the
17 maximum penalty is life and/or death.

18 Count 3, conspiracy to murder a witness through witness
19 tampering. The maximum penalty is life and/or death.

20 Count 4 is witness tampering, murder. The maximum penalty
21 is life and/or death.

22 And Count 5 is murder for hire conspiracy, maximum penalty
23 is life and/or death.

24 THE COURT: Are you in a position to shed light on
25 what the -- Mr. Hightower's advisory sentencing guidelines

1 range would be if he were convicted?

2 MS. HAGAN: Life.

3 THE COURT: Okay, thank you.

4 Mr. Hightower, the maximum penalties that Ms. Hagan has
5 described are, of course, the maximum penalties, not
6 necessarily the sentences that you would receive. But given
7 the history of this case, very well life in prison could be the
8 sentence that's imposed in this case if you are convicted.

9 Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: The U.S. Sentencing Guidelines, if you
12 are convicted and proceed to -- if you are convicted, there
13 would be a sentencing here. The district judge would be
14 obligated to compute what guideline range applies to the case
15 under the U.S. Sentencing Guidelines. Those guidelines are not
16 mandatory, but the Court must calculate what those advisory
17 guidelines provide in this case.

18 Your sentence then would be decided based on various
19 factors set out in the relevant statute, the relevant law
20 passed by Congress, 18 U.S. Code, 3553(a), including the nature
21 and circumstances of the offense, your history and
22 characteristics, and the need for the sentence to deter you and
23 others in the community from committing these crimes, the need
24 for just punishment, the need to impart respect for the law and
25 other factors.

1 Do you understand all that as well?

2 THE DEFENDANT: Yes.

3 THE COURT: Again, a trained and experienced criminal
4 defense lawyer would be familiar with all the relevant
5 statutes, the sentencing guidelines, all other considerations
6 and experience and strategies that bear on sentencing and
7 employ their knowledge and experience to advocate for a lower
8 sentence for you if you're ultimately convicted on the charges
9 that you're charged with.

10 Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: So again, as I'll reiterate the choice,
13 the Sixth Amendment entitles you to representation of counsel,
14 but it also entitles you to give up, if you knowingly and
15 intelligently and voluntarily waive that right, you have a
16 right to proceed to represent yourself.

17 So in light of everything that I've now gone over and
18 reiterated to you, do you choose to exercise your right to
19 counsel and continue to be represented by counsel, or do you
20 wish to waive, to give up that right, and instead represent
21 yourself?

22 THE DEFENDANT: I wish to waive my right to counsel
23 and represent myself.

24 THE COURT: All right. So just to confirm, you wish
25 to exercise your right to represent yourself in this case,

1 including with regard to filing any motions, any motions
2 hearing, trial, sentencing, any other proceedings that may
3 arise in the trial court in this case; is that correct?

4 THE DEFENDANT: Yes.

5 THE COURT: And so you waive your right under the
6 Sixth Amendment to appointment of counsel?

7 THE DEFENDANT: Yes.

8 THE COURT: Has anyone forced or threatened you to
9 get you to waive your right to counsel?

10 THE DEFENDANT: No.

11 THE COURT: Are you waiving your right to counsel
12 freely and voluntarily?

13 THE DEFENDANT: Yes.

14 THE COURT: Are you waiving your right to counsel
15 knowingly and intelligently?

16 THE DEFENDANT: Yes.

17 THE COURT: You are aware that the Government has
18 trained and experienced attorneys representing it in its
19 prosecution of you and that by waiving your right to counsel
20 and proceeding pro se, representing yourself, you may be
21 putting your defense at a serious disadvantage; you understand
22 that, right?

23 THE DEFENDANT: Yes.

24 THE COURT: You understand that all of the
25 disadvantages that I went over earlier with regard -- that flow

1 from, are the result of your lack of legal training and
2 experience and practice may increase the likelihood that your
3 pretrial motions, if any, will be denied, and that the jury may
4 return a verdict that you are guilty on some or all of the
5 offenses charged against you for all the reasons that I've
6 explained earlier. You understand all that, right?

7 THE DEFENDANT: Yes.

8 THE COURT: Are you waiving your right to counsel who
9 would be aware of the potential penalties that you face if
10 convicted of the offenses charged against you, as I and
11 Ms. Hagan described?

12 THE DEFENDANT: Yes.

13 THE COURT: In light of all this, I would continue to
14 urge you to reconsider this decision, this decision to waive
15 your right to counsel and to proceed to represent yourself.
16 But that said, the decision is yours to make. So do you still
17 wish to waive your right to counsel and represent yourself from
18 this point forward in this criminal case?

19 THE DEFENDANT: Yes.

20 THE COURT: All right. Can you describe to me what
21 it is that you are giving up by going down this path.

22 THE DEFENDANT: I'm giving up my right to counsel.

23 THE COURT: And what else? What other advantages
24 would you be giving up?

25 THE DEFENDANT: To have counsel and their experience,

1 file things for me or do jury instructions and -- everything
2 you just went over. I understand.

3 THE COURT: All right. You also understand you
4 couldn't then later argue what's called ineffective assistance
5 of counsel if -- there are --

6 THE DEFENDANT: I understand.

7 THE COURT: Post trial, if people are convicted, can
8 raise arguments that their counsel are ineffective. I have no
9 reason to believe that Ms. Whalen or Mr. Goldman would be
10 anything remotely ineffective. To the contrary, they would
11 have all the experience and do a fantastic job for you. But if
12 you have counsel, subsequently there are proc -- after a trial
13 and conviction and appeal, there can be avenues available to
14 argue that your counsel was ineffective. But if you are your
15 own counsel, you can't make those arguments.

16 Do you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. As much as I believe this is
19 an inadvisable choice, I find that you have voluntarily,
20 knowingly and intelligently waived your right to counsel in
21 this matter and asserted your right to self-representation and
22 that you have done so clearly and unequivocally. Your
23 assertion of your right to self-representation is timely. The
24 trial in this matter has not commenced -- Ms. Hagan, has a
25 trial date been set?

1 MS. HAGAN: No, Your Honor.

2 THE COURT: Right, and a trial date has not been set.
3 Based on your conduct before me and you have appeared
4 previously before me for an attorney inquiry hearing and
5 everything that you and your counsel have explained to me, I
6 believe that you are competent to have made this decision and
7 that you've made this decision unequivocally. So that means,
8 Mr. Hightower, that you will proceed pro se in defense of this
9 case.

10 Ms. Whalen, do you have a view on or position on whether
11 you are to remain as standby counsel in this case?

12 MS. WHALEN: Your Honor, I believe Mr. Goldman and I
13 are more than happy, if the Court wishes us to remain standby
14 counsel, to do so. I will say that in the past, Mr. Hightower
15 has indicated he does not wish to have standby counsel.

16 THE COURT: All right. Mr. Hightower, you have an
17 absolute right to represent yourself. I have now granted your
18 motion, your request, to proceed to represent yourself. But I
19 will also have Ms. Whalen and Mr. Goldman remain as standby
20 counsel. Standby counsel is an attorney who will be available
21 to you during court proceedings to offer advice and information
22 as needed, but standby counsel will not represent you in court,
23 will not make arguments or advocate for you, will not examine
24 witnesses or make any decisions in your case. All that would
25 be your responsibility as pro se, as a self-represented

1 litigant. But standby counsel will be available to answer your
2 questions as needed and provide that consultation -- provided
3 that such consultation is not disruptive to court proceedings.
4 Mr. Hightower, your counsel will be asked to remain as standby
5 counsel in accordance with whatever restrictions are placed on
6 that role by the presiding judge at any upcoming proceedings or
7 trial.

8 Ms. Hagan, is there anything from your perspective to add
9 or that you'd like to put on the record at this time?

10 MS. HAGAN: No, Your Honor. Thank you.

11 THE COURT: Ms. Whalen, is there anything further
12 that you would wish to put on the record or advise
13 Mr. Hightower on the record either in open court or to return
14 to a sealed proceeding?

15 MS. WHALEN: No, Your Honor. Thank you.

16 THE COURT: All right. Mr. Hightower, is there
17 anything else you wish to say or put on the record at this
18 time?

19 THE DEFENDANT: No.

20 THE COURT: In that event, this proceeding has
21 concluded and, Mr. Hightower, as much as I have now reiterated
22 multiple times, you will be disadvantaged by this decision that
23 you've made but it's your right to make that decision. If
24 circumstances change and you wish to reinvoke your right to
25 counsel, you would need to do that in writing to the Court, but

1 absent such a request, you are representing yourself from this
2 point forward. Do you understand?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. Thank you, everybody.

5 MS. WHALEN: Thank you, Your Honor.

6 MS. HAGAN: Thank you.

7 THE CLERK: All rise. This Honorable Court now
8 stands in recess.

9 (Proceedings concluded at 11:18 a.m.)

10
11
12 CERTIFICATE OF OFFICIAL REPORTER

13 I, Patricia G. Mitchell, RMR, CRR, do hereby certify that
14 the foregoing is a correct transcript of the audio-recorded
15 proceedings in the above-entitled matter, audio recorded via
16 FTR Gold on June 21, 2024, and transcribed from the audio
recording to the best of my ability and that said transcript
has been compared with the audio recording.

17 Dated this 23rd day of December 2024.

18
19 

20 _____
21 Patricia G. Mitchell
22 Official Court Reporter
23
24
25

< Dates > .	4th 1:31 .	and/or 18:13, 18:17, 18:19, 18:21, 18:23 .	attorney-client 3:19, 3:22, 4:1 .
August 23, 2024 1:17 .	.	answer 25:1 .	attorneys 7:18, 7:22, 21:18 .
December 2024.	.	answers 6:22, 6:24 .	Audio 1:49, 26:19, 26:20, 26:22 .
26:23 .	< 5 > .	appeal 11:14, 11:19, 12:1, 12:4, 23:13 .	audio-recorded 26:18 .
February 3:10 .	5 18:22 .	appealing 11:15 .	available 23:13, 24:20, 25:1 .
July 17:22 .	505 1:44 .	Appeals 11:15, 11:18 .	Avenue 1:39 .
July 19, 17:25 .	.	appeared 24:3 .	avenues 23:13 .
July 27 17:12 .	.	appellate 12:2 .	aware 5:9, 7:17, 8:1, 8:2, 8:16, 21:17, 22:9 .
July 27 17:17 .	< 8 > .	applicable 9:21, 11:13, 14:1 .	awareness 8:10 .
June 21, 2024, 26:20 .	801 1:39 .	applied 14:8 .	.
September 17:16 .	.	applies 19:14 .	.
September 27 17:17 .	< A > .	apply 8:11, 12:22, 12:23, 13:23 .	< B > .
September 27, 17:25 .	a.m. 2:2, 26:9 .	appoint 17:7 .	B. 1:22 .
September 27th 17:18, 17:20 .	Aaron 1:29, 2:7 .	appointment 21:6 .	Baltimore 1:16, 1:32 .
September 27th, 2024.	ABELSON 1:22 .	appreciate 8:22 .	Based 10:24, 19:18, 24:3 .
3:5 .	ability 5:6, 26:21 .	approach 10:13 .	bear 20:6 .
.	able 5:1, 14:5 .	appropriate 13:22 .	bears 15:5 .
.	above-entitled 26:19 .	approximately 3:9 .	beginning 4:18 .
< 1 > .	absent 26:1 .	areas 11:8 .	behalf 2:7, 2:12, 2:13, 13:18, 16:4 .
1 18:11 .	absolute 24:17 .	argue 11:1, 16:8, 23:4, 23:14 .	believe 3:3, 7:25, 17:14, 23:9, 23:18, 24:6, 24:12 .
10 2:2 .	accommodate 9:12 .	argued 10:20 .	benefit 8:17, 10:1, 11:4, 11:6 .
11 26:9 .	accordance 14:1, 25:5 .	arguing 11:6, 13:3 .	benefits 9:22 .
16 2:2 .	acting 16:17 .	argument 13:18, 13:20 .	bent 9:10 .
18 19:20, 26:9 .	ADAM 1:22 .	arguments 10:13, 11:16, 11:18, 11:22, 12:14, 12:21, 13:3, 23:8, 23:15, 24:23 .	best 26:21 .
1975 7:1 .	add 25:8 .	arise 21:3 .	better 15:13 .
19th 17:22, 17:23 .	addition 3:6 .	around 5:24 .	body 8:10 .
1: 1:10 .	admit 17:23 .	aside 9:11 .	bound 16:18 .
.	advantage 10:25, 11:25 .	aspect 13:16 .	.
.	advantages 22:23 .	aspects 10:13 .	.
< 2 > .	advice 15:1, 24:21 .	asserted 23:21 .	< C > .
2 18:16 .	advisable 15:13 .	assertion 23:23 .	calculate 19:16 .
20910 1:40 .	advise 5:13, 7:7, 25:12 .	assist 15:1 .	California 7:2 .
21201 1:32 .	advisory 18:25, 19:16 .	assistance 5:15, 6:1, 23:4 .	call 2:5, 4:18 .
22314 1:45 .	advocate 20:7, 24:23 .	Attorney 1:21, 1:30, 2:9, 2:19, 2:21, 3:3, 3:10, 4:16, 6:9, 7:20, 10:18, 11:12, 15:7, 16:5, 16:12, 16:17, 16:18, 16:21, 16:23, 17:4, 17:8, 24:4, 24:20 .	called 6:25, 7:1, 23:4 .
23-0186 2:8 .	affect 10:21 .		calling 2:7 .
23rd 26:23 .	afoul 14:21 .		carefully 7:8 .
.	alcohol 5:5 .		carries 7:24 .
.	Alexandria 1:45 .		carry 13:9, 15:18, 18:9 .
< 3 > .	allow 6:7 .		cases 14:8, 14:10 .
3 18:18 .	allowed 3:10 .		caution 15:21 .
3-cr-00186-sag-1 1:10 .	already 8:1 .		
3553(a) 19:20 .	Although 3:20 .		
36 1:31 .	ambivalence 6:3 .		
.	amended 9:11 .		
.	Amendment 3:25, 5:14, 6:2, 20:13, 21:6 .		
< 4 > .	amendments 11:3 .		
4 18:20 .	AMERICA 1:5 .		
400 1:39 .			
421 1:44 .			

<p>certain 6:21, 8:20, 13:24, 14:11, 16:11 .</p> <p>certainty 6:4 .</p> <p>CERTIFICATE 26:15 .</p> <p>certify 26:17 .</p> <p>change 25:24 .</p> <p>characteristics 19:22 .</p> <p>charged 10:12, 18:11, 20:9, 22:5, 22:10 .</p> <p>charges 15:17, 15:18, 18:8, 18:12, 20:8 .</p> <p>Charles 1:31 .</p> <p>choice 5:20, 7:15, 7:17, 7:19, 7:24, 13:7, 13:8, 17:6, 20:12, 23:19 .</p> <p>choose 4:20, 6:8, 6:20, 9:12, 12:25, 13:14, 15:23, 16:12, 20:18 .</p> <p>choosing 15:5, 17:3 .</p> <p>circumstances 14:12, 19:21, 25:24 .</p> <p>clear 8:1 .</p> <p>clearly 23:22 .</p> <p>CLERK 26:7 .</p> <p>close 2:22 .</p> <p>closing 3:23, 12:14, 12:21, 13:3, 13:18, 13:20 .</p> <p>Code 19:20 .</p> <p>colloquy 6:25 .</p> <p>comes 15:6 .</p> <p>commenced 23:24 .</p> <p>comments 7:9 .</p> <p>committing 19:23 .</p> <p>communications 3:18 .</p> <p>community 19:23 .</p> <p>compared 26:22 .</p> <p>compelling 3:24 .</p> <p>competent 24:6 .</p> <p>completely 7:17 .</p> <p>complex 8:10, 9:16, 13:16 .</p> <p>compute 19:14 .</p> <p>Computer-aided 1:50 .</p> <p>concluded 25:21, 26:9 .</p> <p>conduct 15:1, 16:19, 16:23, 24:3 .</p> <p>conducted 3:20, 4:16, 15:10 .</p> <p>confidential 3:22 .</p> <p>confirm 4:20, 20:24 .</p>	<p>Congress 10:11, 19:20 .</p> <p>consider 6:22, 7:3, 12:3 .</p> <p>considerations 20:5 .</p> <p>conspiracy 18:12, 18:18, 18:22 .</p> <p>Constitution 5:15 .</p> <p>constrained 13:23 .</p> <p>consultation 16:10, 16:11, 25:2, 25:3 .</p> <p>continue 15:24, 16:12, 16:16, 20:19, 22:13 .</p> <p>contrary 23:10 .</p> <p>control 16:2 .</p> <p>convicted 11:19, 11:24, 12:3, 19:1, 19:8, 19:12, 20:8, 22:10, 23:7 .</p> <p>conviction 11:23, 23:13 .</p> <p>Correct 8:4, 8:5, 17:9, 17:13, 17:14, 21:3, 26:18 .</p> <p>counsel. 4:7 .</p> <p>Count 18:11, 18:16, 18:18, 18:20, 18:22 .</p> <p>counts 18:7, 18:11 .</p> <p>course 3:12, 8:23, 14:12, 16:16, 19:5 .</p> <p>court-appointed 4:21 .</p> <p>courts 14:10 .</p> <p>crimes 10:12, 19:23 .</p> <p>Criminal 1:9, 5:16, 8:12, 9:8, 9:16, 10:9, 12:7, 20:3, 22:18 .</p> <p>cross-examination 12:21, 13:2, 14:9, 14:17 .</p> <p>cross-examine 14:6, 14:7 .</p> <p>cross-examining 12:11 .</p> <p>CRR 26:17 .</p> <p>currently 3:4 .</p> <p>.</p> <p>.</p> <p>< D > .</p> <p>Daniel 1:42, 1:43, 2:13 .</p> <p>date 16:16, 23:25, 24:2 .</p> <p>Dated 26:23 .</p>	<p>day 26:23 .</p> <p>deadline 17:12, 17:21, 17:24 .</p> <p>death 18:13, 18:14, 18:17, 18:19, 18:21, 18:23 .</p> <p>decades 9:18 .</p> <p>decide 9:6, 13:21 .</p> <p>decided 19:18 .</p> <p>deciding 10:22, 10:25 .</p> <p>decision 9:25, 22:14, 22:16, 24:6, 24:7, 25:22, 25:23 .</p> <p>decision-maker 16:5 .</p> <p>decision-making 16:1 .</p> <p>decisions 16:3, 16:9, 16:10, 16:11, 24:24 .</p> <p>defend 10:3 .</p> <p>defending 5:17 .</p> <p>defense 3:7, 3:15, 5:16, 6:21, 7:21, 8:17, 8:21, 9:2, 9:24, 10:10, 12:8, 12:14, 12:21, 13:2, 13:9, 15:1, 15:6, 16:20, 20:4, 21:21, 24:8 .</p> <p>defining 10:11 .</p> <p>delivering 13:19 .</p> <p>denied 22:3 .</p> <p>describe 22:20 .</p> <p>described 19:5, 22:11 .</p> <p>deter 19:22 .</p> <p>determinations 11:21 .</p> <p>determine 15:10 .</p> <p>detriment 10:2 .</p> <p>devise 12:8 .</p> <p>different 18:11 .</p> <p>direct 12:20 .</p> <p>directly 14:15 .</p> <p>disadvantage 11:9, 13:7, 21:21 .</p> <p>disadvantaged 25:22 .</p> <p>disadvantages 7:25, 15:6, 21:25 .</p> <p>discovery 3:6, 3:14, 9:10 .</p> <p>disrupt 9:1 .</p> <p>disruptive 25:3 .</p> <p>DISTRICT 1:1, 1:2, 19:13 .</p> <p>DIVISION 1:3 .</p> <p>doing 13:25 .</p>	<p>done 16:20, 16:21, 23:22 .</p> <p>doubt 6:3 .</p> <p>down 17:23, 22:21 .</p> <p>drug 5:5 .</p> <p>during 11:20, 24:21 .</p> <p>.</p> <p>.</p> <p>< E > .</p> <p>earlier 21:25, 22:6 .</p> <p>early 3:8 .</p> <p>effective 13:9 .</p> <p>efforts 10:3, 13:1 .</p> <p>either 25:13 .</p> <p>Electing 5:22, 5:24 .</p> <p>employ 20:7 .</p> <p>English 5:2 .</p> <p>ensuring 3:25 .</p> <p>entitled 6:1 .</p> <p>entitles 20:13, 20:14 .</p> <p>envisioning 9:2 .</p> <p>equipped 10:4, 10:6 .</p> <p>equivocation 6:3 .</p> <p>especially 15:14 .</p> <p>Esquire 1:28, 1:29, 1:37, 1:42 .</p> <p>ethical 16:19 .</p> <p>event 10:2, 11:18, 12:3, 25:20 .</p> <p>everybody 26:4 .</p> <p>everyone 2:3, 9:17 .</p> <p>everything 20:17, 23:1, 24:5 .</p> <p>Evidence 8:12, 9:8, 12:12, 13:24, 14:1, 14:2, 14:4, 14:21, 14:22, 15:8, 16:6 .</p> <p>examination 12:20 .</p> <p>examine 24:23 .</p> <p>example 14:10, 14:11 .</p> <p>exercise 5:18, 6:5, 6:8, 7:4, 7:15, 7:20, 15:5, 15:13, 15:24, 20:18, 20:25 .</p> <p>expectations 10:19 .</p> <p>experience 8:8, 8:22, 9:18, 10:24, 11:7, 11:25, 12:9, 13:5, 15:7, 20:6, 20:7, 22:2, 22:25, 23:11 .</p> <p>experienced 9:19, 10:9, 12:7, 20:3, 21:18 .</p>
---	--	--	---

explained 15:4, 22:6, 24:5 .	given 2:20, 10:21, 15:12, 15:15, 19:6 .	held 4:8 .	2:21, 3:3, 4:16, 6:25, 17:5, 24:4 .
expressly 6:16 .	gives 5:15 .	help 15:10 .	instead 20:20 .
extent 3:16, 16:9 .	giving 5:21, 5:25, 6:10, 6:17, 22:21, 22:22, 22:24 .	hereby 26:17 .	instructions 10:20, 10:21, 10:22, 10:23, 11:1, 11:2, 11:3, 11:7, 11:8, 12:15, 12:16, 12:22, 13:4, 23:1 .
eye 11:15, 11:22 .	Gold 26:20 .	Hightower 1:10, 2:8, 2:12, 2:14, 2:16, 2:20, 3:4, 3:11, 3:17, 4:14, 4:16, 4:19, 5:10, 5:13, 8:3, 13:13, 18:4, 18:10, 18:25, 19:4, 24:8, 24:14, 24:16, 25:4, 25:13, 25:16, 25:21 .	intelligence 8:7 .
< F > .	Goldman 1:42, 1:43, 2:13, 10:10, 23:9, 24:12, 24:19 .	hire 17:5, 17:7, 18:22 .	intelligently 6:24, 20:15, 21:15, 23:20 .
face 15:15, 22:9 .	govern 15:9 .	history 19:7, 19:21 .	intend 15:19 .
fact 7:18, 9:12 .	Government 1:26, 2:22, 3:1, 3:14, 4:2, 4:7, 7:18, 7:22, 12:12, 12:13, 14:6, 18:14, 21:17 .	hold 9:22 .	interest 3:21, 3:24 .
factors 19:19, 19:25 .	grand 3:11, 3:13 .	Honor 2:6, 2:11, 3:2, 4:11, 5:12, 17:14, 18:10, 24:1, 24:12, 25:10, 25:15, 26:5 .	interests 7:21 .
facts 16:7 .	granted 24:17 .	Honorable 1:22, 26:7 .	interfere 5:6 .
familiar 10:11, 20:4 .	grasp 8:10, 12:9 .	< I > .	introduce 16:6 .
familiarity 10:18, 11:12 .	great 10:25, 11:25 .	idea 15:13 .	investigation 3:12 .
fantastic 23:11 .	guideline 19:14 .	illegal 16:22 .	invoke 5:24, 16:12 .
far 4:24, 15:13 .	Guidelines 18:25, 19:11, 19:15, 19:17, 20:5 .	impart 19:24 .	involved 9:18 .
Faretta 1:21, 4:18, 6:25, 7:2 .	guilt 10:23 .	implement 12:9 .	issues 11:4, 11:5, 11:6, 11:8, 11:14, 11:15, 11:16, 11:22, 12:1 .
Federal 8:11, 8:12, 9:7, 9:8 .	guilty 13:10, 16:4, 22:4 .	important 15:25 .	< J > .
felony 9:16 .	< H > .	impose 9:24 .	Jencks 3:8 .
file 13:15, 16:8, 23:1 .	H. 1:42 .	imposed 19:8 .	job 23:11 .
filing 21:1 .	HAGAN 1:28, 2:5, 2:6, 3:2, 4:5, 4:9, 4:11, 4:13, 4:14, 15:16, 17:11, 17:14, 17:16, 17:18, 17:20, 18:2, 18:6, 18:10, 19:2, 19:4, 22:11, 23:24, 24:1, 25:8, 25:10, 26:6 .	inadvisable 23:19 .	Judge 1:22, 14:24, 14:25, 17:21, 18:1, 19:13, 25:6 .
Finally 17:2 .	hand 5:19, 6:15, 15:23 .	includes 4:22 .	judicial 3:24 .
find 3:19, 14:15, 23:19 .	happen 9:3 .	including 8:11, 9:9, 9:18, 10:14, 11:8, 19:20, 21:1 .	jurors 12:11, 13:22 .
findings 2:24 .	happens 5:7 .	incorrectly 17:24 .	Jury 3:12, 3:13, 10:20, 10:21, 10:22, 11:1, 11:6, 11:8, 12:10, 12:15, 12:21, 13:1, 13:4, 13:18, 13:20, 13:21, 13:23, 22:3, 23:1 .
first 2:21, 17:11 .	happy 24:13 .	increase 22:2 .	justify 3:23 .
five 18:11 .	hazards 7:25 .	indicated 24:15 .	< K > .
Floor 1:31 .	heard 5:14 .	indictment 3:7, 18:11 .	Kim 1:28, 2:6 .
flow 21:25 .	HEARING 1:21, 2:9, 2:19, 2:20, 2:21, 2:23, 3:3, 3:4, 4:16, 4:18, 8:24, 10:5, 10:14, 13:14, 13:15, 15:9, 17:5, 17:15, 17:25, 21:2, 24:4 .	individual 14:8 .	King 1:44 .
following 4:8, 7:8 .	hearings 4:23 .	ineffective 23:4, 23:8, 23:10, 23:14 .	knowingly 6:23, 20:14, 21:15, 23:20 .
forced 21:8 .		influence 5:4 .	knowledge 8:25, 20:7 .
foregoing 26:18 .		inform 9:25, 10:12, 10:19, 11:13 .	< L > .
forward 22:18, 26:2 .		information 9:24, 24:21 .	
four 3:13 .		informed 12:8, 13:5 .	
freely 21:12 .		innocence 10:23 .	
FTR 26:20 .		inquire 3:17 .	
full 8:10, 16:2 .		INQUIRY 1:21, 2:9, 2:19,	
fully 8:22 .			
fundamental 16:3 .			
future 11:18 .			
< G > .			
G. 26:17, 26:29 .			
Gallagher 14:25, 18:1 .			
generally 3:21, 15:12 .			
give 14:25, 15:20, 20:14, 20:20 .			

<p>lack 6:4, 8:25, 22:1 . later 23:4 . Law 1:38, 1:43, 8:4, 9:13, 9:19, 10:24, 11:25, 12:9, 19:19, 19:24 . lawful 13:25 . laws 8:11, 8:16, 9:21, 9:22, 9:23, 10:11, 10:19, 11:13, 14:13, 15:8 . lawyer 10:4, 10:10, 12:8, 15:24, 20:4 . lawyers 9:18 . lead 11:22 . legal 12:1, 13:5, 14:25, 22:1 . less 13:9 . Life 18:13, 18:17, 18:19, 18:21, 18:23, 19:2, 19:7 . light 18:24, 20:17, 22:13 . likelihood 22:2 . likely 13:6 . limitations 8:21, 9:23 . lines 14:13, 14:16 . Listen 7:8 . litigant 25:1 . local 9:9 . lodging 12:12 . lower 20:7 . . . < M > . MAGISTRATE 1:22 . maintain 4:17 . mandatory 19:16 . manner 13:25 . Maryland 1:2, 1:16 . material 3:9 . materials 3:6, 3:12, 3:13 . matter 4:11, 9:17, 18:15, 23:21, 23:24, 26:19 . matters 3:22, 16:5 . Matthew 1:10, 2:8 . maximum 15:17, 18:8, 18:13, 18:17, 18:19, 18:20, 18:22, 19:4, 19:5 . MD 1:32, 1:40 .</p>	<p>meaning 11:16 . means 5:21, 5:22, 5:25, 8:6, 8:9, 24:7 . medication 5:5 . meetings 3:9 . Mitchell 26:17, 26:29 . moment 15:16, 18:3 . morning 2:3, 2:4, 2:6, 2:11, 2:15, 2:16, 2:17 . motion 24:18 . motions 3:4, 4:22, 8:24, 10:14, 13:14, 13:15, 15:9, 16:8, 16:9, 17:12, 17:15, 17:21, 17:24, 18:1, 21:1, 22:3 . move 13:22 . multiple 15:4, 15:21, 25:22 . murder 18:12, 18:16, 18:18, 18:20, 18:22 . myself 6:22, 20:23 . . . < N > . named 6:25 . nature 19:20 . necessarily 5:20, 6:10, 19:6 . need 6:21, 9:25, 19:22, 19:23, 19:24, 25:25 . needed 24:22, 25:2 . new 11:23 . NO. 1:9 . NORTHERN 1:3 . note 3:2, 4:9, 7:9, 7:10 . notes 7:9 . . . < O > . objecting 12:15 . objections 12:12, 13:2, 16:7 . obligated 6:6, 19:14 . offense 19:21 . offenses 22:5, 22:10 . offer 14:2, 14:4, 14:5, 24:21 . Office 1:30, 1:38, 1:43, 3:10 . officer 16:18 .</p>	<p>Official 26:15, 26:30 . Okay 3:16, 4:12, 18:6, 19:3, 26:4 . one 4:23, 5:18, 5:19, 7:22, 13:19, 14:7, 15:13, 15:15 . ongoing 3:5, 3:8 . open 4:8, 25:13 . opening 12:11, 12:20, 13:1, 13:17, 13:20 . opposed 14:17, 16:13 . options 8:15, 9:22 . orally 14:15 . order 6:15, 6:22 . ordering 11:23 . orders 9:10 . ordinary 14:12 . others 17:5, 19:23 . outcome 15:10 . outside 2:22, 4:6 . overall 13:8 . overturning 11:23 . own 6:21, 16:4, 17:6, 23:15 . . . < P > . paper 7:12 . participate 13:21 . particular 10:20, 12:15, 13:3, 14:12 . passed 10:11, 19:20 . past 24:14 . path 22:21 . Patricia 26:17, 26:29 . pay 17:5 . pen 7:10, 7:12 . penalties 15:17, 18:9, 19:4, 19:5, 22:9 . penalty 18:13, 18:14, 18:17, 18:19, 18:20, 18:22 . pending 5:16 . people 23:7 . permissible 14:13 . permitted 6:15, 14:20 . perspective 3:14, 25:8 . place 16:19 . placed 25:5 . Plaintiff 1:7 .</p>	<p>plan 10:4 . plans 9:1, 9:2 . play 16:1 . plead 16:4 . PLLC 1:43 . point 22:18, 26:2 . portion 2:23, 2:25, 3:19, 3:23, 4:18, 4:19 . position 8:6, 11:20, 12:2, 14:16, 18:24, 24:10 . Post 23:7 . potential 11:14, 12:10, 13:22, 15:15, 22:9 . potentially 11:22 . practicable 16:9 . practice 8:4, 9:19, 10:14, 22:2 . prefer 6:14 . preparations 9:1 . prepare 10:4 . presence 2:22, 4:6 . present 2:14, 12:13, 13:24, 14:21 . presenting 12:13, 13:2, 13:25 . preserve 11:14 . Preserving 11:16, 12:1 . presiding 14:25, 25:6 . pretrial 16:8, 22:3 . previously 24:4 . prior 17:4 . priority 6:5 . prison 19:7 . privilege 3:19, 3:23, 4:1 . pro 4:15, 14:15, 15:20, 21:20, 24:8, 24:25 . probably 11:9 . proc 23:12 . Procedure 8:12, 9:8, 14:2, 14:22, 15:8 . proceed 2:21, 2:25, 4:4, 4:15, 4:17, 4:21, 5:17, 5:22, 15:20, 19:12, 20:16, 22:15, 24:8, 24:18 . proceeding 2:24, 3:20, 3:23, 4:3, 4:6, 4:20, 10:2, 14:15, 21:20,</p>
--	--	--	---

<p>25:14, 25:20 .</p> <p>Proceedings 1:20, 1:49, 3:21, 5:11, 8:25, 9:3, 10:5, 10:15, 11:21, 15:10, 15:11, 21:2, 24:21, 25:3, 25:6, 26:9, 26:19 .</p> <p>process 3:6, 3:14 .</p> <p>Produced 1:50 .</p> <p>productive 3:6 .</p> <p>professional 16:19, 16:23 .</p> <p>prosecution 7:19, 21:19 .</p> <p>protect 6:7 .</p> <p>protected 3:18, 3:22, 4:1 .</p> <p>provide 19:17, 25:2 .</p> <p>provided 3:7, 25:2 .</p> <p>providing 3:8 .</p> <p>public 3:21, 3:24 .</p> <p>punishment 19:24 .</p> <p>punishments 15:15 .</p> <p>purpose 4:19 .</p> <p>put 3:1, 25:9, 25:12, 25:17 .</p> <p>putting 21:21 .</p> <p>.</p> <p>.</p> <p>< Q > .</p> <p>qualified 17:7 .</p> <p>question 12:10 .</p> <p>questioning 14:14, 14:16 .</p> <p>questions 6:21, 6:24, 7:9, 7:10, 7:13, 14:3, 14:4, 14:11, 14:20, 25:2 .</p> <p>.</p> <p>.</p> <p>< R > .</p> <p>raise 14:3, 14:4, 14:5, 16:7, 23:8 .</p> <p>range 19:1, 19:14 .</p> <p>read 5:1 .</p> <p>ready 4:3 .</p> <p>reason 5:9, 23:9 .</p> <p>reasons 15:12, 22:5 .</p> <p>receive 19:6 .</p> <p>recess 26:8 .</p> <p>reconsider 15:22,</p>	<p>22:14 .</p> <p>record 3:1, 4:6, 4:9, 4:20, 6:16, 11:14, 12:1, 25:9, 25:12, 25:13, 25:17 .</p> <p>Recorded 1:49, 26:19 .</p> <p>Recording 1:49, 26:21, 26:22 .</p> <p>refuse 16:23 .</p> <p>regard 9:10, 11:6, 12:20, 13:16, 21:1, 21:25 .</p> <p>regards 16:22 .</p> <p>reinvoke 25:24 .</p> <p>reiterate 8:1, 20:12 .</p> <p>reiterated 20:18, 25:21 .</p> <p>relevant 19:19, 20:4 .</p> <p>remain 7:17, 24:11, 24:13, 24:19, 25:4 .</p> <p>remotely 23:10 .</p> <p>render 13:8 .</p> <p>repeating 15:5 .</p> <p>Reporter 26:15, 26:30 .</p> <p>represent 4:15, 4:22, 5:20, 5:23, 5:24, 6:7, 6:9, 6:10, 6:14, 6:20, 7:4, 7:16, 7:24, 9:7, 9:12, 12:25, 13:4, 13:7, 13:8, 13:14, 17:8, 20:16, 20:20, 20:23, 20:25, 22:15, 22:17, 24:17, 24:18, 24:22 .</p> <p>representation 4:21, 11:5, 20:13 .</p> <p>represented 5:19, 16:2, 20:19 .</p> <p>representing 7:18, 7:21, 7:22, 9:20, 16:13, 21:18, 21:20, 26:1 .</p> <p>request 2:19, 3:17, 4:17, 11:2, 11:3, 24:18, 26:1 .</p> <p>requested 4:14 .</p> <p>requesting 12:14 .</p> <p>require 3:17, 14:10 .</p> <p>reside 16:11 .</p> <p>resources 17:6 .</p> <p>respect 3:25, 19:24 .</p> <p>responsibilities 13:17 .</p> <p>responsibility 24:25 .</p> <p>responsible 13:19,</p>	<p>13:25 .</p> <p>restrictions 8:21, 9:23, 14:8, 16:20, 25:5 .</p> <p>result 22:1 .</p> <p>retain 17:5 .</p> <p>retaliation 18:13, 18:16 .</p> <p>return 22:4, 25:13 .</p> <p>returned 4:10 .</p> <p>review 3:9, 3:11, 12:2 .</p> <p>rights 3:25, 5:18, 6:4, 8:15, 9:21 .</p> <p>rise 2:20, 26:7 .</p> <p>risks 7:25, 13:10 .</p> <p>RMR 26:17 .</p> <p>role 16:1, 25:6 .</p> <p>rolling 3:8 .</p> <p>Rules 8:11, 8:12, 8:16, 9:7, 9:8, 9:9, 9:21, 9:22, 9:24, 10:19, 12:19, 12:22, 13:23, 14:1, 14:22, 15:8, 16:19, 16:23 .</p> <p>rulings 14:21 .</p> <p>run 14:21 .</p> <p>.</p> <p>.</p> <p>< S > .</p> <p>satisfy 6:22 .</p> <p>saying 10:25 .</p> <p>scheduled 3:4 .</p> <p>se 4:15, 14:15, 15:20, 21:20, 24:8, 24:25 .</p> <p>seal 2:25, 3:20, 4:3 .</p> <p>Sealed 2:24, 4:6, 25:14 .</p> <p>seated 2:16 .</p> <p>seek 6:4 .</p> <p>seeking 12:10, 18:14 .</p> <p>seeks 12:13 .</p> <p>selecting 12:10 .</p> <p>selection 13:1, 13:21, 13:23 .</p> <p>self-representation 6:6, 23:21, 23:23 .</p> <p>self-represented 24:25 .</p> <p>sensitive 3:21 .</p> <p>sentence 19:8, 19:18, 19:22, 20:8 .</p>	<p>sentences 19:6 .</p> <p>Sentencing 10:15, 13:15, 18:25, 19:11, 19:13, 19:15, 20:5, 20:6, 21:2 .</p> <p>series 6:24 .</p> <p>serious 13:6, 13:10, 15:6, 15:14, 21:21 .</p> <p>set 9:11, 17:12, 17:15, 17:25, 19:19, 23:25, 24:2 .</p> <p>seven 3:9 .</p> <p>shed 18:24 .</p> <p>significant 7:25, 9:17, 15:7 .</p> <p>Silver 1:40 .</p> <p>simply 9:11 .</p> <p>Sixth 3:25, 5:14, 6:2, 20:13, 21:6 .</p> <p>solely 13:19 .</p> <p>someone 8:6, 9:13, 9:19 .</p> <p>sorry 17:17 .</p> <p>South 1:31 .</p> <p>span 3:12 .</p> <p>Spring 1:40 .</p> <p>Standby 24:11, 24:13, 24:15, 24:19, 24:20, 24:22, 25:1, 25:4 .</p> <p>standing 9:10 .</p> <p>stands 26:8 .</p> <p>state 6:16 .</p> <p>statement 8:7, 8:8, 13:17, 13:20 .</p> <p>statements 12:11, 12:20, 13:1, 14:20 .</p> <p>States 1:1, 1:5, 1:30, 2:7, 2:8, 5:15, 7:1 .</p> <p>statute 19:19 .</p> <p>statutes 10:11, 20:5 .</p> <p>stay 2:22 .</p> <p>step 4:2 .</p> <p>stipulate 16:7 .</p> <p>strategic 9:25 .</p> <p>strategies 10:13, 12:8, 12:9, 20:6 .</p> <p>strategy 13:5, 16:6 .</p> <p>Street 1:31, 1:44 .</p> <p>stretched 9:11 .</p> <p>strike 13:22 .</p>
--	--	--	---

<p> subject 8:20 . subsequently 23:12 . substance 5:5 . substantial 16:1 . Suite 1:39, 1:44 . support 12:2, 16:8 . supported 13:5 . Supreme 7:1 . surprise 8:23, 8:25 . . . < T > . tactics 10:13, 16:6 . tampering 18:19, 18:20 . Teresa 1:37, 1:38, 2:11 . terms 9:1 . testify 16:4 . themselves 14:5 . third 3:3 . thorough 3:15 . threatened 21:8 . three 3:13 . timely 23:23 . today 5:7, 5:11 . toward 11:15 . traditional 2:21, 14:17 . trained 8:3, 9:19, 10:9, 12:7, 20:3, 21:18 . Training 8:8, 8:23, 10:6, 10:24, 11:25, 13:6, 15:8, 22:1 . transcribed 26:20 . Transcript 1:20, 1:50, 26:18, 26:21 . Transcription 1:50 . trial 4:23, 8:24, 9:16, 10:5, 10:14, 11:17, 11:23, 12:13, 13:15, 13:19, 14:3, 14:24, 15:9, 16:6, 21:2, 21:3, 23:7, 23:12, 23:24, 23:25, 24:2, 25:7 . two 6:4 . . . < U > . U.S. 3:10, 19:11, 19:15, 19:20 . ultimate 16:5 . </p>	<p> ultimately 20:8 . unable 5:10 . understanding 8:10, 9:20 . undertaking 9:17 . unequivocally 23:22, 24:7 . unethical 16:22 . United 1:1, 1:5, 1:30, 2:7, 5:15, 7:1 . until 3:5 . untrained 9:13 . upcoming 25:6 . urge 15:21, 22:14 . using 17:6 . . . < V > . VA 1:45 . various 8:16, 19:18 . verdict 13:10, 22:4 . versus 2:8 . via 26:19 . view 24:10 . violation 16:22 . voluminous 3:11 . voluntarily 6:23, 20:15, 21:12, 23:19 . vs 1:8, 7:2 . . . < W > . waiting 4:10 . waive 7:16, 9:6, 15:19, 20:15, 20:20, 20:22, 21:5, 21:9, 22:14, 22:17 . waived 23:20 . waiver 5:21 . waiving 5:23, 5:25, 6:17, 6:23, 21:11, 21:14, 21:19, 22:8 . Wayne 1:39 . ways 10:6 . WHALEN 1:37, 1:38, 2:11, 2:12, 5:9, 5:12, 10:10, 17:21, 18:3, 23:9, 24:10, 24:12, 24:19, 25:11, 25:15, 26:5 . whatever 25:5 . </p>	<p> whether 4:20, 7:3, 7:15, 10:19, 11:1, 11:13, 11:16, 13:21, 16:3, 16:4, 24:10 . will 3:17, 8:1, 9:10, 10:23, 11:9, 12:23, 13:20, 13:24, 14:7, 22:3, 24:8, 24:14, 24:19, 24:20, 24:22, 24:23, 25:1, 25:4, 25:22 . wise 7:19 . wish 4:17, 14:3, 20:20, 20:22, 20:24, 22:17, 24:15, 25:12, 25:17, 25:24 . wishes 3:1, 14:9, 24:13 . without 10:2, 10:25, 12:23 . witness 18:12, 18:16, 18:18, 18:20 . witnesses 12:12, 14:6, 14:9, 24:24 . words 6:8, 14:2 . worth 3:13 . write 5:1 . writing 14:11, 14:17, 25:25 . wrote 17:23 . . . < Y > . Y. 1:28 . years 3:13 . . . < Z > . Zelinsky 1:29, 2:7, 4:10 . </p>
---	--	---